

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD, ARIZONA, HELD FEBRUARY 10, 2009, AT 5:30 P.M., AT THE CITY COUNCIL CHAMBERS BUILDING, 826 NORTH MAIN STREET, COTTONWOOD, ARIZONA.

Mayor Joens called the meeting to order at 5:30 p.m. Roll call was taken as follows:

COUNCIL MEMBERS PRESENT

Diane Joens, Mayor
Karen Pfeifer, Vice Mayor
James Chapman, Council Member
Tim Elinski, Council Member
Duane Kirby, Council Member
Linda Norman, Council Member
Terence Pratt, Council Member

STAFF MEMBERS PRESENT

Doug Bartosh, City Manager	Mike Casson, Fire Chief
Marianne Jiménez, City Clerk	Richard Smith, Deputy Clerk
Jody Fanning, Police Chief	Kyla Allen, Executive Assistant
Scott Mangarpan, Project Manager	Charlie Scully, Planner
George Gehlert, Community Development Director	

ITEMS FOR DISCUSSION, CONSIDERATION, AND POSSIBLE LEGAL ACTION:

RESOLUTION NUMBER 2426—AUTHORIZING ALL CITY REGULAR AND SPECIAL ELECTIONS, EXCEPT SPECIAL ELECTIONS CONDUCTED IN CONJUNCTION WITH COUNTY-ADMINISTERED POLLING PLACE ELECTIONS, SHALL BE CONDUCTED BY MAIL-BALLOT ONLY, AS AUTHORIZED BY A.R.S. § 16-409

Ms. Jiménez stated on November 13, 2008, the Council held a special meeting at which the Yavapai County Elections staff made a presentation about all-mail ballots. A motion was then made to direct staff to conduct city elections as all-mail ballot elections. That motion was a singular motion to conduct the city election. The City Attorney expressed concern that the motion was made in the singular and had no specific direction to staff to conduct all future city elections as all mail ballot elections. The City Attorney had asked for clarification of the city going to all mail ballot elections by approving Resolution 2426. Changing our election procedure from a polling place election to all mail ballot election must be cleared by the Department of Justice. If the Council's intent was, as staff understood it to be, that all future city elections be conducted by all mail ballot elections, Council should approve Resolution Number 2426. One thing that was not addressed nor mentioned by the County Election staff was that for any election they conducted for State or Federal matters, they did not conduct all mail elections. In such cases they held polling place elections. If we were to hold a special election during the time the County was

holding a State or Federal election and we conducted an all mail election, it would cause confusion for the voters who would be going to the polling locations for State or Federal election matters and also receive a ballot from the City of Cottonwood for its election. The only time this could occur was if we were to have a special election in the fall, because that was when the County, State, and Federal elections were held. The packet copy of Resolution Number 2426 had a typographic error on the fourth line. It read "the eighth Tuesday", and should read "the ninth Tuesday". The City's primary and general elections were always held in the spring of odd years. This matter was being brought forward for the Council to clarify, if indeed that was the Council's intent to conduct all city elections in the future by all mail ballots. Approval of the resolution would clarify the Council's desire to do so. It would also give the City Attorney the specific instructions he desired so that he might contact the Department of Justice to ask for pre-clearance for all our future elections to be held by all mail ballot, except the elections we held in conjunction with the County.

Mayor Joens asked if voters in special elections could go to polling places or get early ballots.

Ms. Jiménez stated, yes. Per State law we were allowed to consolidate with the State and Federal elections, which were conducted by the County.

Council Member Pratt stated the reason this had been discussed before was to increase voter turn-out and to decrease costs.

Ms. Jiménez stated there was a slight cost savings with all mail ballots.

Mayor Joens stated there was the issue with staff. Because so many more people were voting early now, it made it much more impactful on our staff who had to spend more actual time than they did in prior elections. We would have to actually hire people to come in and help; at least one person to get through such election, because they cannot continue to do the workload they carry now and run elections at the same time.

Ms. Jiménez stated that at the last election when we had early voting, we had a very high turnout of early voters who showed up at City Hall, which took up about fifteen minutes each. This was because of identification requirements, roster verification, verification of completeness of ballot envelope, copying of signatures, faxing signatures to the County, and getting the ballots to the County for processing.

Council Member Kirby stated when the earlier resolution was passed on this matter it was made for the one election because the Council wanted to see what would happen. It was a good idea but it negated what the Council set out to do at the beginning, which was to give it a chance and see how it worked.

Mayor Joens stated every other city and town in the Yavapai County used a mail in ballot process and it has been very successful for them. It had enfranchised people to vote.

Vice Mayor Pfeifer stated she had understood the previous resolution to be for all city elections as mail only. This corrected the wording "election" to "elections", which was what she believed had been voted on.

Ms. Jiménez stated that was how she had understood it to be. For clarification and to make sure the Department of Justice was satisfied that the Council's intent was to conduct all future city elections by all mail ballot, the Council should adopt Resolution Number 2426. If the majority of the Council desired to just conduct the next primary and general elections as all mail elections to see what type of turnout we had using the all mail ballot, things could be left as they were. Then, at our next election the Council could decide whether to direct staff to conduct all future city elections as all mail elections. We would then go to the Department of Justice and acquire their clearance and approval for that.

Mayor Joens stated she believed, as the Vice Mayor did, that was our intent. If it did not work out it didn't mean the Council couldn't make a decision to do something else at another election.

Ms. Jiménez stated that was correct. It could be changed in the future. We would go to the Department of Justice and ask for pre-clearance for changing the election process for that election at that time.

Mayor Joens stated the Council would still have the option and would not be bound forever. It would make less paperwork for our attorneys. Other cities and towns had found it very successful and been pleased with voter turnout. There was concern about fraud but if these elections had been found full of fraud other cities and towns would not continue to hold them.

Council Member Elinski stated he too had thought it was for this election and all future elections. He supported this resolution.

Council Member Elinski moved to approve Resolution Number 2426. The motion was seconded by Council Member Pratt. Mayor Joens requested a roll call vote which was taken as follows:

Mayor Jones – Aye
Council Member Chapman – Aye
Council Member Kirby – Aye
Council Member Pratt – Aye

Vice Mayor Pfeifer – Nay
Council Member Elinski – Aye
Council Member Norman – Nay

The motion carried with dissenting votes by Vice Mayor Pfeifer and Council Member Norman.

CHANGE ORDER NUMBER 1 TO THE ENGINEERING SERVICES AGREEMENT WITH SHEPHARD-WESNITZER, INC., TO PROVIDE FOR ADDITIONAL CIVIL ENGINEERING SERVICES FOR DESIGN OF THE YAVAPAI COUNTY PARKING LOT AND THE CONNECTION TO PAULA

STREET

Mr. Mangarpan stated this request was for approval to generate a change order for Shephard-Wesnitzer's design improvements on Paula Street which were already underway. These improvements were being made to the County parking lot as a part of a pending deal with them to acquire the land across Paula Street from the County which was needed for the Recreation Center parking lot. The change order was for engineering services to finish the design work for improvements to the parking lot and increasing parking around the park. The money for this would be counted toward the purchase of the land we were working to acquire. The City would buy the land across Paula Street from the County. Any improvements we did or any engineering fees expended to do improvements would go against the cost of the land.

Mayor Joens asked if there was any comment from the public. There was none.

Council Member Norman moved to approve Change Order number 1 for the engineering services agreement. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

ADJOURNMENT

Mayor Joens moved to adjourn. Vice Mayor Pfeifer seconded the motion, which carried unanimously.

The special meeting adjourned at 5:45 p.m.

Diane Joens, Mayor

ATTEST:

Richard Smith, Deputy Clerk